



# भारत का राजपत्र

## The Gazette of India

असाधारण

## EXTRAORDINARY

भाग II--खण्ड 2

## PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on 7th May, 1993:—

## BILL NO. 20 OF 1993

*A Bill to provide for the recognition of electropathy system of medicine and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electropathy System of Medicine (Recognition) Act, 1993.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Naturo Electro Homoeo Medicos' Authority of India established under section 3;

(b) "degree" means the degree of Bachelor of Electropathy, Medicines and Surgery (B.E.M.S.) awarded by an Institution established by the Authority;

(c) "diploma" means the Diploma in Electro Homoeo Medicines (D.E.H.M.) awarded by an Institution established by the Authority;

(d) "electropathy" means the electropathy electro-homoeopathy system of medicines;

(e) "Fund" means the Naturo Electro Homoeo Medicos' Authority of India Fund constituted under section 4;

Establish-  
ment of  
Natu-  
ro  
Electro  
Homoeo  
Medicos'  
Authori-  
ty of  
India.

Consti-  
tution of  
Natu-  
ro  
Electro  
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Medicos'  
Auth-  
ority of  
India  
Fund.

Functions  
of the  
Auth-  
ority.

Recog-  
ni-  
tion of  
degrees/  
diplomas.

(f) "institution" means an Institution, established by the Authority by which a person is awarded a degree or diploma after successful completion of prescribed course of study/training in electropathy.

3. (1) The Central Government shall establish an Authority, consisting of a Chairman and such number of members as may be prescribed, to be known as the Naturo Electro Homoeo Medicos' Authority of India..

(2) The registered office of the Authority shall be at New Delhi.

4. The Central Government shall constitute a fund to be called the Naturo Electro Homoeo Medicos' Authority of India Fund for the development of Electropathy System of medical science.

5. The Authority shall, out of the Fund constituted under section 4,—

(a) establish institutions,

(b) establish, organise, finance and maintain hospitals of electropathy system of medicine throughout the country;

(c) manufacture electropathic and electro-homoeopathic medicines;

(d) conduct research in electropathy system of medicines;

(e) assist the medical practitioners practising in electropathy; and

(f) assist the persons holding B.E.M.S. degree or D.E.H.M. diploma in getting suitable employment.

6. The degrees/diplomas awarded by an institution established under section 5 shall be recognised.

Registra-  
tion with  
the Au-  
thority.

7. All persons who have been awarded degrees or diplomas by an institution shall register themselves with the Authority, which shall maintain a Register for the purpose.

**8. All those who have registered themselves with the Authority under section 7, shall have the right to practice in the Electropathy system of Medicine throughout the country.**

Right to practise  
Electro-  
pathy  
system  
of Medi-  
cine.

**9. The Central Government shall set up an Advisory Council consisting of such number of members as may be prescribed: to advise the Authority.**

Setting  
up of Ad-  
visory  
Council.

**10. The Authority shall submit to the Central Government a periodical return containing a list of doctors registered with them, hospitals and institutions established by them, the particulars of expenditure incurred from the fund and such other particulars as may be prescribed by the Central Government.**

Periodical  
return to  
be sub-  
mitted  
by the  
Authority.

**11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

Power  
to make  
rules.

## STATEMENT OF OBJECTS AND REASONS

The Electropathy/Electro-homoeopathy Medical Science is harmless, natural and is a new system of medicine. This system is quite different from Allopathy, Ayurveda, Unani and Homoeopathic systems. This new Pathy was discovered in 1865 by Dr. Count Ceaser Mattie of Italy on the basic principles of 'COMPLEXA COMPLEXIS CURANTURE'. The remedies of Electropathy are prepared by a scientific process called the 'Spagetic Way' commonly known as 'COHOBATION' method in which the living energies of the plant remain in the essences obtained from the plants. These remedies have curative capacity to regulate the lymph and blood and also to keep them purified. Only non-poisonous medicinal plants are used for preparing medicines under this system. Alcohol or Spirit or other poisonous matter is not used in the preparation of these medicines. Hence there are no side effects on the human body. Any discomfort can be easily and quickly controlled. These medicines are cheap and harmless.

In India there are four recognised systems of medical sciences viz. Allopathy, Ayurveda, Unani and Homoeopathy. The Allopathy system of medicine was recognised in India under Indian Medical Degrees Act, 1916. Prior to that even this system was not officially recognised in India but the doctors of this pathy were practising without any restriction. In the Indian Medical Degrees Act, 1916, the three systems of medicines viz. Ayurveda, Unani and Homoeopathy not given recognition. The Ayurveda and Unani systems of Medicines were later recognised under the Indian Medical Council Act, 1956. The fourth medical science i.e. Homoeopathy, was introduced in India in the year 1839. In the year 1937 a Private Member's Bill was brought forward in the Assembly for the recognition of Homoeopathy. An Inquiry Committee on Homoeopathy was set up in the year 1947 on the basis of the above Bill and Homoeopathy as a medical science was subsequently recognised in India. Thus, at present, there are four systems of medical science recognised in India. It may be mentioned that before the recognition of these four systems of medical science in India, the doctors of these pathies were practising in their respective medical field and there was no bar on their practice.

The Board of Naturo Electro Homoeopathy Medicos of India (N.E.H.M. of India), New Delhi, which has been working for the last ten years is a registered body under the Societies Act, 1860. Its working is controlled and supervised by a Committee constituted for the purpose. In the year 1988 the N.E.H.M. of India, New Delhi and fifty one Members of Parliament requested the Union Health Minister for the constitution of an Inquiry Committee on Electropathy. This Committee was constituted on 1 September 1988 and it submitted its report in December, 1990. In order to examine its report, an Expert Committee on Electropathy was appointed by the Government. The Government received report of this Committee on 27 August 1991. In the meantime, at the instance of the Prime Minister of India, the Health Minister ob-

served the working and activities of the N.E.H.M. of India, New Delhi large number of Homoeopathic practitioners who were practising and there upon he categorically stated that N.E.H.M. of India is the only organisation which is serving the cause of Electropathy all over India. The Hon'ble Minister also authorised the N.E.H.M. of India for the promotion, development and research of Electropathy/Electro-homoeopathy in India. The Ministry of Health and Family Welfare also admitted that before Homoeopathy, as a system of medicine, was recognised, there was good number of Homoeopathic Institutions and a large number of Homoeopathic practitioners who were practising without Government recognition. A similar situation exists to day regarding Electropathy/Electro-homoeopathy.

There are over sixty Electropathy/Electro-homoeopathy medical institutes affiliated to N.E.H.M. of India, New Delhi, which are running four year B.E.M.S. course all over India. The qualified doctors in Electropathy/Electro-homoeopathy are doing their practice. When four recognised systems of medical science already exist in India, there is no reason why this new fifth system of medical science i.e. Electropathy/Electro-homoeopathy cannot be given recognition by the Government. The medical science of electropathy enjoys the same position as is being enjoyed by the other four systems of medical science and as such it should also be recognised by the Government treating it at par with other medical sciences in India. The Government should therefore, issue general instructions authorising the N.E.H.M. of India for promotion, development and research in Electropathy/Electro-homoeopathy System of medicine. The report of the Expert Committee dated 27 August 1991 may also be implemented.

The Board of Naturo Electro Homoeopathy Medicos' of India may also be taken over by the Government for the promotion development and research of the Electropathy/Electro-homoeopathy medical science in India. Considering the large number of Electropathy doctors, institutions and their contribution towards the promotion and development of Electropathy-Electro-homoeopathy Medical Science, it is high time that this new medical science is given legal protection.

Hence this Bill.

NEW DELHI;

February 6 1993.

VISHWESHWAR BHAGAT.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Naturo Electro Homoeo Medicos' Authority of India. Clause 4 provides that the Central Government shall constitute Naturo Electro Homoeo Medicos' Authority of India Fund. Clause 9 provides that the Central Government shall set up an Advisory Council to advise the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty lakhs per annum.

Non-recurring expenditure of about rupees seven lakhs is also likely to be involved from the Consolidated Fund of India.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of the legislative power is of a normal character.

## BILL NO. 50 OF 1993

*A Bill to regulate the recruitment and conditions of service of the persons recruited to Central Secretariat Service and to provide for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Secretariat Service Act, 1993.

(2) It extends to whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

Provided that in respect of officials who are working as Section Officers and Assistants or who have ever worked as Section Officer or Assistants in the Central Government, the Act shall be deemed to have come into force from the twenty-sixth day of January, 1950.

2. The Central Government shall constitute a service to be known as the "Central Secretariat Service" consisting of persons holding the posts of Assistant and Section Officer and such other posts in Ministries/Departments of the Central Government as may be determined by the Central Government:

Short title,  
extent  
and com-  
mence-  
ment.

Consti-  
tution of  
Central  
Secre-  
tariat  
Service.

Provided that all such officers who are working or have ever worked as Section Officers or Assistants in the Ministries Departments of the Central Government shall be deemed to have become members of the Central Secretariat Service constituted under the provisions of this Act.

Central  
Secre-  
tariat  
Service.

3. The recruitment to the Central Secretariat Service shall be made either at the level of Assistant or at the level of Section Officer in accordance with the procedure as may be prescribed, and a person who is appointed as such shall be known as direct recruit Assistant or direct recruit Section Officer, as the case may be:

Provided that the appointment may also be made to Central Secretariat Service at the Assistant's level or at the Section Officer's level, as the case may be, from amongst other members of the Central Secretariat Service holding position lower to that of an Assistant or that of a Section Officer in accordance with the procedure as may be prescribed.

Confirma-  
tion of  
Assistants.

4. A direct recruit Assistant shall be confirmed, in the service after successful completion of his probation which shall extend up to a maximum of two years from the date of his joining the service.

Promotion  
of direct  
recruit  
Assistants.

5. A direct recruit Assistant who has worked for seven years and if found suitable shall automatically be promoted to the post of Section Officer.

Depart-  
mental  
Examina-  
tion for  
the post  
of Section  
Officer.  
Confirma-  
tion and  
promotion  
of Section  
Officer.

6. Notwithstanding anything contained in section 5, a direct recruit Assistant may be appointed to the post of Section Officer if he successfully competes at an examination which may be held for the purpose and which is limited only for the Assistants and other members of Central Secretariat Service.

7. (1) A direct recruit Section Officer shall be on probation for a period not exceeding two years from the date of his joining the service.

(2) A direct recruit Section Officer shall be confirmed in the service immediately on completion of the probation period.

(3) A Section Officer as soon as he is confirmed and if found suitable shall be appointed as Group 'A' officer equivalent to an officer at the lowest range of Group 'A' post in Central Government.

Time bound  
promotion  
of officers  
of Central  
Secre-  
tariat  
Service.

8. An officer of the Central Secretariat Service, if he is found suitable, shall be given time bound promotion and appointed to such posts as may be prescribed:

Provided that if it is not possible to promote a suitable officer to the next higher post, the officer shall be paid salary and other allowances admissible to such higher post as if he were promoted to such post.

Emolu-  
ments.

9. The total emoluments including the special pay of an officer belonging to Central Secretariat Service shall not be less than that of an officer belonging to any other Central Service or an All-India Service if the other belonging to Central Secretariat Service has put in same number of years of service as that of the officer belonging to any other Central Service or an All-India Service.

**10.** The other conditions of service of the members of the Central Secretariat Service shall be such as may prescribed:

Provided that at no stage and in no case such conditions of service shall be inferior to the conditions of service applicable to the officers of other Central Services or All-India Services of comparable status.

Conditions  
of service  
of officers  
of Central  
Secre-  
tariat  
Service.

**11.** (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

Power  
to make  
rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

- (a) the procedure or recruitment;
- (b) regular level, study leave and leave travel concession;
- (c) Travelling allowance;
- (d) Annual confidential report;
- (e) General Provident Fund;
- (f) Pension;
- (g) Death-cum-retirement Gratuity and other terminal benefits;
- (h) Classification, Control and Appeal;
- (i) Conduct of employees;
- (j) Advances such as House Building Advance, Motor-Cycle, Motor-Car Advance, Festival Advance;
- (k) Medical Attendance and benefits;
- (l) Special Disability Allowance;
- (m) Overseas pay, passage and leave salary;
- (n) Conditions of service and residuary matters;
- (o) Dearness Allowance;
- (p) House Rent Allowance;
- (q) City Compensatory Allowance;
- (r) Pay and fixation thereof in respect of employees;
- (s) Group Insurance;
- (t) Regulation of seniority in service;
- (u) Family Pension;
- (v) any other matter that may be necessary to carry out the provisions of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive

sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

Power to  
remove  
difficulties.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act:

Provided further that no such order shall be made without consultations with the representatives of the Central Secretariat Service.

(2) Every order made under this section shall, as soon as may be after it is made, be before each House of Parliament

## STATEMENT OF OBJECTS AND REASONS

Article 309 of the Constitution provides that appropriate Legislature may regulate the recruitment and conditions of service of persons appointed to public service and posts in connection with the affairs of the Union or of any State. In the case of services under the Central Government, recruitment and conditions of service of persons appointed to this service should have been regulated by an Act of Parliament which is the Central Legislature.

However, no such Act has been enacted by Parliament till now and the conditions of service of the members of the Central Secretariat Service are being regulated in accordance with the rules framed by the President of India under the proviso to Article 309 of the Constitution. It is apparent that this proviso was meant to empower the President to make rules or regulations only till the time a law is made by the Parliament.

But even after forty three years of coming into force of the Constitution, no such Act has been passed by the Parliament to regulate recruitment and conditions of service of members of Central Secretariat Service. Their recruitment and conditions of service are being governed by such rules as may be amended by the Government without seeking the approval of the Parliament. In the past, the rules have been amended time and again to the detriment of the members of the service. Since the officers at the top level do not belong to Central Secretariat Service, the interests of the members of the service are never taken into account at the time of amending the rules.

The present Bill seeks to rectify this position and attempts at giving succour to the members of the Central Secretariat Service.

NEW DELHI;  
March 7, 1993.

RAM PRAKASH CHAUDARY

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that all direct recruit Assistants who have worked for seven years as such shall be promoted to the post of Section Officer. Clause 7 provides that a Section Officer who has been confirmed shall be appointed as a Group 'A' Officer. Clause 8 provides that time bound promotion shall be given to all officers of Central Secretariat Service and in case it is not possible to give time bound promotion to such officers, they shall be paid salary and other allowances admissible for such higher post as if they were promoted to such higher post. Clause 9 provides that the total emoluments including the special pay of an officer belonging to Central Secretariat Service shall not be less than that of an officer belonging to any other Central Service or an All India Service. Clause 11 provides for facilities like pension, leave, travel concession, terminal benefits, etc. to members of the Central Secretariat Service.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees thirty lakh per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees ten lakh is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 41 OF 1993

*A Bill to provide for the establishment of a permanent Bench of the High Court at Bombay at Kolhapur.*

Be it enacted by Parliament in the Forty-fourth Year of Republic of India as follows:—

1. This Act may be called the High Court at Bombay (Establishment of a permanent Bench at Kolhapur) Act, 1993.

Short title.

2. There shall be established a permanent Bench of the High Court at Bombay at Kolhapur and such Judges of the High Court at Bombay being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Kolhapur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Kolhapur, Sangli, Satara, Ratnagiri and Sindhudurg.

Establish-  
ment of  
a perma-  
nent  
Bench of  
High  
Court  
at Bom-  
bay at  
Kolhapur.

## STATEMENT OF OBJECTS AND REASONS

Maharashtra is one of the thickly populated States of the Indian Republic. There is a need for locating a permanent Bench of the High Court at Bombay in the Western part of the State in the interest of administration of speedy and cheap justice and convenience of the litigant public. The Bill provides for the establishment of such a Bench at Kolhapur.

UDAYSINGRAO GAJKWAD

NEW DELHI;  
March 2, 1993.

C. K. JAIN,  
Secretary-General.